

TYPE II DEVELOPMENT & ENVIRONMENTAL REVIEW, STAFF REPORT & DECISION

Form DS1401



Project Name: R JONES 11-ACRE DEVELOPMENT

Case Number: PSR2004-00027; SEP2004-00084;
CRA2004-00003; EVR2004-00038

Location: 4010 NE 65th Street. North side of NE Minnehaha Street, east of 40th Avenue.

Request: Site plan approval to construct a multi-tenant warehouse development consisting of seven single-story buildings totaling 74,550 square feet, with associated parking, plus a fenced outdoor storage area, on an approximately 11.28-acre parcel located in the ML zoning district.

Applicant: Major Foster
15101 NE 7th Street
Vancouver, WA 98684
(360) 696-4974

Contact Person: Same as Applicant

Property Owner: Ron Jones
1447 NW Deerfern
Camas, WA 97607

DECISION

This application is hereby DENIED

Team Leader's Initials: **Date Issued:** October 4, 2004

County Review Staff:

	<u>Name</u>	<u>Phone</u>	<u>E-mail Address</u>
Planner:	Alan Boguslawski	(360)397- 2375Ext 4921	Alan.boguslawski@clark.wa.gov
Engineer (Trans. & Stormwater):	Paul Knox	4910	Paul.knox@clark.wa.gov
Engineer (Trans. Concurrency):	Shelley Oylear	4354	Shelley.oylear@clark.wa.gov

Team Leader:	Krys Ochia	4834	Krys.ochia@clark.wa.gov
Engineering Supervisor: (Trans. & Stormwater):	Richard Drinkwater P.E.	4492	Richard.drinkwater@clark.wa.gov
Engineering Supervisor: (Trans. Concurrency):	Steve Schulte P. E.	4017	Steve.schulte@clark.wa.gov

Parcel Number(s): Tax Lot 8,37,59 (149114) located in the SE ¼ of Section 12, Township 2 North, Range 1 East of the Willamette Meridian.

Comp Plan Designation: Light Industrial

Applicable Laws:

Clark County Code (CCC) Sections: 40.230.080 (Industrial Districts), 40.320 (Landscaping & Screening), 40.340 (Parking & Loading), 40.350 (Transportation & Circulation), 40.360 (Solid Waste & Recycling), 40.370 (Sewer & Water), 40.380 (Stormwater & Erosion Control), 40.410 (CARA), 40.500.010 (Procedures), 40.510.020 (Type II Process), 40.520.010 (Legal Lot Determination), 40.520.040 (Site Plan Review), 40.570 (SEPA), 40.610 & 40.620 (Impact Fees).

Neighborhood Association/Contact:

Andresen/St Johns Neighborhood Assn
Deborah Hoffman, President
7318 NE 61st Ave
Vancouver WA 98661
(360) 699-4043

Time Limits:

The application was determined to be fully complete on July 1, 2004. The application was placed on hold for ten days awaiting additional information from the applicant, and one week prior following the issue of the draft report. Therefore, the County Code requirement for issuing a decision within 78 days lapses on October 4, 2004. The State requirement for issuing a decision within 120 calendar days lapses on November 15, 2004.

Vesting:

An application is reviewed against the subdivision, zoning, transportation, stormwater and other land development codes in effect at the time a fully complete application for preliminary approval is submitted. If a pre-application conference is required, the application shall earlier contingently vest on the date the fully complete pre-application is filed. Contingent vesting requires that a fully complete application for substantially the same proposal is filed within 180 calendar days of the date the county issues its pre-application conference report.

A pre-application conference on this matter was held on June 12, 2003. The pre-application was determined to be contingently vested on May 21, 2003; however, the fully-complete application was not submitted within 180 days.

The fully complete application was submitted on June 17, 2004 and determined to be fully complete on July 1, 2004. Given these facts the application is vested on June 17, 2004.

Public Notice:

Notice of application and likely SEPA Determination of Non-Significance (DNS) was mailed to the applicant, the Andresen/St Johns Neighborhood Assn, and owners of property located within 300 feet of the site on July 26, 2004. Notice of the likely SEPA Determination was published in the "Columbian" Newspaper on July 26, 2004.

Public Comments:

In response to the public notice, the county received a SEPA comment letter on August 10, 2004 from the Washington Department of Ecology. The letter cites DOE requirements if soil or groundwater contamination is observed during construction. It also cites DOE water quality requirements.

Staff Response:

The county will enforce the requirements of the Stormwater and Erosion Control Ordinance (CCC 40.380) in reviewing and implementing the development plans. The requirements of CCC 40.380 are consistent with those standards and requirements of the DOE Stormwater Management Manual, and will ensure that stormwater runoff from this development will not result in violation of state water quality standards.

The applicant and property owners have been provided with a copy of the DOE letter.

Project Overview

The development site is an 11.28 acre parcel consisting primarily of open pasture, with a few trees and shrubs. A single-family dwelling exists in the northwest corner of the site and a few agricultural accessory buildings are located in the northeast portion of the site. The site is being used to pasture horses.

A 300 foot wide BPA power line easement encumbers the entire southern portion of the site, consisting of approximately 6.8 acres. A drainage ditch (Cold Creek) runs from north to south across the western portion of the site.

NE Minnehaha Street abuts the site on the south and provides access to the parcel. NE 65th Street is stubbed to the west property boundary near the northwest corner of the site, providing access to the existing single-family dwelling.

Existing single-family development abuts the site on the west, and undeveloped light industrial zoned property abuts the site on the north and east.

Surrounding uses and zoning are as indicated along with those of the site in the following table:

Compass	Comp Plan	Zoning	Current Land Use
Site	Light Industrial	Light Industrial (ML)	Horse pasture
North	Light Industrial	Light Industrial (ML)	Vacant
West	Light Industrial & Urban Low Density Residential	Light Industrial (ML) & Single-Family Residential	Single-family Residential
South	Light Industrial	Light Industrial (ML)	Light Industrial
East	Light Industrial	Light Industrial (ML)	Vacant

The site is proposed to be developed with 74,550 square feet of warehouse buildings and associated parking on the north portion of the site, with open air storage and stormwater facilities proposed within the BPA easement on the southern portion of the site. Access to the development is proposed via a driveway from NE Minnehaha Street.

Staff Analysis

Staff first analyzed the proposal in light of the 16 topics from the Environmental Checklist (see list below). The purpose of this analysis was to identify any potential adverse environmental impacts that may occur without the benefit of protection found within existing ordinances.

- | | |
|---------------------------------|--|
| 1. Earth | 9. Housing |
| 2. Air | 10. Aesthetics |
| 3. Water | 11. Light and Glare |
| 4. Plants | 12. Recreation |
| 5. Animals | 13. Historic and Cultural Preservation |
| 6. Energy and Natural Resources | 14. Transportation |
| 7. Environmental Health | 15. Public Services |
| 8. Land and Shoreline Use | 16. Utilities |

Then staff reviewed the proposal for compliance with applicable code criteria and standards in order to determine whether all potential impacts will be mitigated by the requirements of the code.

Staff's analysis also reflects review of agency and public comments received during the comment period, and knowledge gained through a site visit.

Major Issues:

Only the major issues, errors in the development proposal, and/or justification for any conditions of approval are discussed below. Staff finds that all other aspects of this

proposed development comply with the applicable code requirements, and, therefore, are not discussed below.

Finding 1 Existing Structures and Materials

The existing structures on the site are proposed to be removed or demolished, and are subject to a demolition permit. These structures may also be subject to asbestos control inspection and regulations. The applicant should contact the Southwest Clean Air Agency. (see Condition B-1)

Also existing on the site, staff observed an area of industrial materials being stockpiled and stored in the southeast portion of the site. No approvals have been granted for this existing open air storage, and it does not meet applicable site plan requirements for storage and screening. Furthermore, the existence of these materials may inhibit proper implementation of any site plan approved through this application. Therefore, these materials need to be removed from the site. (see Condition A-1)

Finding 2 Proposed Use

This application proposes a multi-tenant development composed of warehousing and storage businesses. The traffic study is based strictly on warehousing as the proposed use. Therefore, this site plan approval will be limited to warehouse and storage uses. The applicant is advised that more intensive light industrial uses and manufacturing uses will not be permitted without further review and approval, which could cause delays for new tenants. (see Condition C-1)

According to the Institute of Transportation Engineers (ITE) Trip Generation Manual, "Warehouses are primarily devoted to the storage of materials; they may also include office and maintenance areas."

Finding 3 Performance Standards

The tenant users on this site shall be subject to continuing compliance with the performance standards in CCC 40.230.080(D) regarding noise, venting, odors, light, glare, outdoor storage, vibration, and electromagnetic interference.

A note on the final site plan is warranted to help ensure compliance with these standards. (see Condition A-2)

Finding 4 Outdoor Storage

The application proposes an area for outdoor storage totaling 157,922 square feet (approximately one third of the entire site area) located within the BPA overhead power line corridor easement. This proposal will require approval by the BPA. (see Condition A-3)

The storage area is proposed to be surfaced with gravel. Staff is concerned that such a large area of gravel could result in impacts from dust caused by wind erosion and vehicle traffic. The applicant indicates that the area is proposed for open storage of non-hazardous, non-vehicular, moveable materials; however, no additional information is provided on how the storage area may be used. Potentially, it could store materials or items that would be loaded, unloaded, and moved in or out

on a daily basis by trucks, forklifts, or heavy equipment; resulting in unacceptable levels of dust impacting air quality and the neighborhood. Therefore, the site plan needs to provide paved circulation routes throughout the storage area for trucks and loading equipment; or the applicant shall provide a dust abatement/mitigation plan that will, to the Planning Director's satisfaction, ensure that activities and use of the gravel storage area will not result in negative impacts to air quality, neighboring properties, and public rights-of-way. The applicant should consult with the Southwest Clean Air Agency and the Washington Department of Ecology regarding dust abatement and mitigation measures. (see Condition A-4)

In accordance with CCC 40.230.080(D)(5), all outdoor storage areas in the industrial zones shall be screened from adjoining properties or public rights-of-way to the L4 standard. Screening shall be placed on all sides of storage areas other than where a building wall would act as a screen.

The preliminary site plan and landscape plan do not appear to meet this standard. A label indicates that a 6 foot high privacy and security fence around the perimeter is proposed. However, the L4 screening standard (CCC 40.320.010(B)(4)) requires a fully sight-obscuring wall; a fence is not adequate. Also, it is unclear whether the label refers to the perimeter of the site or the perimeter of the storage area. The L4 screen must separately surround the proposed storage area. Furthermore, the landscape plan does not provide sufficient plantings to meet the minimum requirements of the L4 standard. In addition to one canopy tree per 30 lineal feet of wall, four high shrubs are required per 30 feet of wall. (see Condition A-5)

Finding 5 Landscaping

Landscape buffers are required around the perimeter of the site in accordance with Table 40.320.010-1 as follows:

- west (abutting R1-6): 50-foot buffer with L5 landscape screening
or 40-foot buffer with L4 landscape screening
- west (abutting ML) 5-foot buffer with L1 landscaping
- north & east (abutting ML): 5-foot buffer with L1 landscaping
- south (abutting Minnehaha St): 10-foot buffer with L2 landscape screening

The preliminary landscape plan does not provide adequate landscape buffers.

The proposed buffer along the north portion of the west property boundary (abutting R1-6 zone) consists of a row of arborvitae, lawn, and a sight-obscuring fence. The plan shall be amended to provide a six-foot high sight-obscuring wall (fencing is not adequate) along the property line, with one canopy tree and four high shrubs per 30 lineal feet of wall. This buffer and screen shall extend from the northwest property corner to the south side of NE 65th Street (the extent of the R1-6 zone). (The label indicating gated fire access from 65th Street through the landscape buffer needs to be removed from the plan.) Also, the landscape buffer shall be a minimum 40 feet deep throughout it's length, and the parking/circulation area will need to be modified accordingly. (see Condition A-6)

The landscape plan does not provide plantings meeting the L1 standard along the remainder of the west property boundary, and along the north and east property

boundaries. The plan shows only lawn within these buffers, and the L1 standard requires one canopy tree per 30 lineal feet of landscape buffer, in accordance with CCC 40.320.010(B)(1). (see Condition A-7)

The preliminary landscape plan appears to meet or exceed the required L2 buffer standard along the south property boundary, except that the proposed trees (Emerald Isle) need to be located within the 10-foot buffer area rather than inside the proposed fencing. Also, the proposed shrubs (Photinia Fraseri) need to be planted at a maximum spacing of ten feet, in order to meet the L2 standard. (see Condition A-8)

The preliminary landscape plan fails to provide any landscape islands within the parking areas, as required by CCC 40.320.010(E). One landscape island per seven parking spaces is required. Based on 150 proposed parking spaces, a minimum of 22 parking islands are required. (see Condition A-9)

Landscaping is required to be installed prior to occupancy. (see Condition C-2)

Finding 6 Parking

CCC 40.340.010(B) contains criteria for the calculation of parking requirements for site plans. The minimum number of parking spaces to be provided (by use) is based on Table 40.340.010-4, and is to be calculated based on gross floor area devoted to each use.

The applicant proposes 74,550 square feet gross floor area of warehouse space, requiring a minimum of 75 parking spaces. The site plan proposes 150 parking spaces, double the minimum required. While 75 spaces is a minimum, double the minimum appears to staff to be excessive for the proposed use, and recommends that the applicant consider reducing the parking, thereby reducing the amount of asphalt and impervious surface area on the site.

Standards of the Americans with Disabilities Act (ADA) require a minimum of five accessible parking spaces (including one van accessible space) in a parking lot of 150 spaces. The preliminary site plan provides only three. The plan needs to be further amended to locate the accessible spaces as close as practicable to the building entrances, in accordance with ADA requirements. Also, the plan does not provide any accessible routes of travel from the parking spaces to the building entrances, as required. (see Condition A-10)

The site plan indicates an area labeled, "Possible future additional parking". Only parking spaces and areas being approved through this application should be shown on the site plan. Future expansion of parking on this site will be subject to a new site plan review. Therefore, it should be removed from this site plan to avoid any confusion regarding the scope of this review. (see Condition A-11)

Finding 7 Loading Berths

Each of the proposed buildings is required to be provided with a minimum of one truck loading berth, in accordance with CCC 40.340.010(D). The preliminary site plan provides only two of the seven buildings with truck loading berths. Therefore

the site plan needs to be modified to provide berths for the other five buildings. (see Condition A-12)

Finding 8 Pedestrian Circulation

The preliminary site plan fails to provide any on site pedestrian circulation routes. In accordance with CCC 40.340.020(A)(3) and 40.350.010(B), pedestrian routes improved with asphalt or concrete are required to connect all buildings and structures on the site, to connect the parking areas with buildings, and to be extended from the building entrances to the public sidewalks on abutting streets. (see Condition A-13)

TRANSPORTATION CONCURRENCY:

Finding 9 Concurrency

The applicant submitted a traffic study for this proposal in accordance with CCC 40.350.020(B) and is required to meet the standards established in CCC 41.350.020(G) for corridors and intersections of regional significance. The county's Traffix™ model includes the intersections of regional significance in the area and the county's model was used to evaluate concurrency compliance.

County concurrency staff has reviewed the proposed R. Jones Development. The site proposal consists of a 74,550 SF warehouse. The proposed development is located along the north side of Minnehaha Street, east of St. Johns Road. The applicant's traffic study estimates the total net new weekday AM peak hour trip generation at 33 new trips, and PM peak hour trip generation is estimated at 34 trips. The following paragraphs document transportation issues for the proposed development.

Finding 10 Site Access

Level of Service (LOS) standards are not applicable to accesses that are not regionally significant; however, the LOS analysis provides information on the potential congestion and safety problems that may occur at the site access to the arterial and collector network. The traffic study proposes one access to Minnehaha Street. The access appears to maintain acceptable LOS.

Finding 11 Operating LOS on Corridors

The proposed development was subject to concurrency modeling. The modeling results indicate that the operating levels comply with travel speed and delay standards. Therefore, the proposed development complies with the Concurrency Ordinance, CCC 40.350.020.

The applicant should reimburse the county for costs incurred in running the concurrency model. (see Condition A-14)

Finding 12 Safety

Where applicable, a traffic study shall address the following safety issues:

- traffic signal warrant analysis,
- turn lane warrant analysis,
- accident analysis, and
- any other issues associated with highway safety.

Mitigation for off-site safety deficiencies may only be a condition of approval on development in accordance with CCC 40.350.030(6)(a). This section states that “nothing in this section shall be construed to preclude denial of a proposed development where off-site road conditions are inadequate to provide a minimum level of service as specified in Section 40.350.020 or a *significant* traffic or safety hazard *would be caused or materially aggravated* by the proposed development: provided that the developer may voluntarily agree to mitigate such direct impacts in accordance with the provisions of RCW 82.02.020.”

Finding 13 Historical Accident Situation

The applicant’s traffic study analyzed the accident history at the regionally significant intersections; however, all of the historical accident rates at these intersections are below 1.0 accident per million entering vehicles. Therefore, mitigation by the applicant is not required.

Finding 14 Traffic Controls

During site development activities, the public transportation system (roadways, sidewalks, bicycle lanes, etc.) may be temporarily impacted. In order to minimize these impacts and coordinate work occurring in the public right-of-way, the applicant will need to prepare and have approved a Traffic Control Plan. (see Condition B-2)

Finding 15 City of Vancouver Concurrency

As part of the interlocal government agreement signed with Clark County on July 21, 1998, the City of Vancouver Concurrency staff has reviewed the proposed R. Jones Development. The proposed development is located on NE 63rd Street, east of St. John’s Blvd. The applicant’s traffic study dated April 21, 2004, prepared by Hopper Dennis Jellison, PLLC has estimated the weekday PM peak hour trip generation at 34 trips, weekday AM peak hour trip generation at 33 trips, and a weekday ADT trip generation at 360.

The project will impact the following Transportation Analysis Zone (TAZ) and the following City’s Transportation Management Zone (TMZ).

Corridor Name	Corridor Limit	Number of PM Peak Trips to City Concurrency Corridors	TAZ
St. John’s/St. James	Fourth Plain to NE 78 th Street	11	#210

The applicant submitted a traffic study for this proposal in compliance with the interlocal agreement and the City’s VMC 11.95 and VMC 11.90 requirements to meet the standards established in the interlocal agreement. VMC 11.95 and VMC 11.90 outline the requirements corridors and intersections of regional significance.

Upon review of the traffic impacts, City of Vancouver Concurrency staff concludes that the proposed development complies with the City Concurrency VMC 11.95 and traffic impact per VMC 11.90.

TRANSPORTATION:

Finding 16 Circulation Plan

See Road Modification

Finding 17 Roads

See Road Modification

Finding 18 Access

See Road Modification

Finding 19 Sight Distance

See Road Modification

Finding 20 Pedestrian/Bicycle Circulation

See Road Modification

Finding 1- Road Modification

The pre-application report from Engineering Services for this project stated: *“The applicant should address the feasibility of providing a N/S roadway, taking into consideration building a roadway through the property and eliminating the driveways onto Minnehaha Street. The roadway should also provide a connection to 65th Street unless another method of providing a turn-around at the end of the street is found to be acceptable.”* The applicant proposes to address these issues by obtaining approval of a road modification to waive the circulation and access management requirements of the Clark County Street and Road Standards.

- a. *Approval Criterion* - If the development cannot comply with the Transportation Standards, modifications may be granted in accordance with the procedures and conditions set out in CCC 40.550.010. The request shall meet one (or more) of the following four specific criteria:
 - (i) *Topography, right-of-way, existing construction or physical conditions, or other geographic conditions impose an unusual hardship on the applicant, and an equivalent alternative, which can accomplish the same design purpose, is available.*
 - (ii) *A minor change to a specification or standard is required to address a specific design or construction problem, which, if not enacted, will result in an unusual hardship.*
 - (iii) *An alternative design is proposed which will provide a plan equal to or superior to these standards.*
 - (iv) *Application of the standards of the Transportation Standards to the development would be grossly disproportional to the impacts created.*

b. *Modification Request –*

- The applicant is requesting that they not be required to extend NE 40th Avenue or to connect to NE 68th Street, which is necessary to meet the circulation standards of CCC 40.350.030(B)(2).
- The applicant is requesting that they be allowed to directly access NE Minnehaha Street. County transportation standards do not permit driveways to access arterial roads unless no other access to the site exists or can be provided.
- The applicant is requesting that they not be required to provide a public street turn-around at the end of NE 65th Street.

Applicant's comments

The applicant should not be required to extend NE 40th Avenue or to connect to NE 68th Street because:

- The extension of NE 40th Avenue will require public road improvements on properties owned by others.
- NE 40th Avenue would need to go through an existing residential lot within the R1-6 zoning district.
- The proposed driveway accesses onto NE Minnehaha Street are a “superior plan.”
- Connection to NE 68th Street will create a loop between two arterials, which violates code.
- Application of the county road standards is grossly disproportionate to the projects impacts.

The applicant should be allowed to directly access NE Minnehaha Street because:

- The definition of Minor Arterial given in the Street and Road Standards states that this classification of road “...may allow for traffic to directly access destinations,” and that they “serve through traffic and provide direct access for commercial, industrial, office and multi-family development but, generally, not for single family residential properties.”
- No other access can be reasonably provided.

The applicant should be required to provide a public street turn-around at NE 65th Street because:

- The applicant does not propose NE 65th Street to serve the site
- The need for a turn-around does not result from this project
- A residential access providing through traffic from one arterial, St. Johns Road to another, NE Minnehaha Street violates code.

Staff's Evaluation

The applicant's proposal to not extend NE 40th Avenue or to connect to NE 68th Street cannot be supported because:

- Nothing in the county circulation standards require the applicant to make roadway improvements to offsite properties. What is required is that the applicant demonstrates that the street improvements proposed on their property will allow future developments to extend such streets in a manner that results in

an integrated road system that is efficient and safe. This demonstration is made by the circulation plan conforming to the requirements of CCC 40.350.030(B)(2), which is required of projects obligated to construct frontage improvements or conduct a transportation impact study. A circulation plan was **not** submitted with this application and is **required**.

- In order to provide an objective and measurable standard as to how the goal of providing for an integrated, safe and efficient road system is to be achieved, the code sets out review criteria by which the applicant's demonstration, the circulation plan, shall be judged. These standards require a maximum block length of 800 feet and a maximum block perimeter of 3,200 feet. Review of Sheet 6 of 13 of the Developer's GIS Packet, the largest scale area map included in the application, shows that the existing block perimeter is so large it does not even show completely on this map. In actual fact, the existing block perimeter that exists at the site today exceeds 19,000 feet and requires traveling a very circuitous route through largely residential neighborhoods.
- Contrary to the argument advanced in the road modification application, the provision of an industrial road to connect to surrounding arterial roads and distribute the traffic to streets of lower classification does not violate code and, in fact, is precisely what is intended and needed in this area. It is for precisely this reason that the county applies the circulation standards. Each development proposal in the county is reviewed to determine if it can provide an opportunity to improve public cross-circulation. Thus we see that NE 40th Street just above the northeast corner of the site has been aligned so as to avoid the existing residential lots, sweep past the end of NE 65th Street with enough room to accommodate a turn-around at its terminus and is clearly intended to extend into the project site.
- The Cold Creek Industrial Park project, located immediately north of the project, proposes to extend this road to the north property line of this project. Staff finds that there is no compelling argument to waive the applicant's obligation to comply with the requirements of the county circulation standard. In fact, it is clearly not in the public interest to do so.
- The cost to provide the street improvements required by application of the road standards is not grossly disproportionate to the impact created by the project. A more detailed explanation of the proportionality argument will be discussed in a separate section below.

The applicant's request to be allowed to directly access NE Minnehaha Street cannot be supported because:

- The fact that the code allows traffic from minor arterials to directly access industrial properties does not mean that the county is obligated to do so, particularly when streets of lesser classification can be made available.

- Application of the county circulation standards will provide a roadway by which access other than direct access from the minor arterial can be reasonably provided.
- The applicant's assertion that allowing direct driveway accesses off NE Minnehaha represents a "superior plan" is not supported by any evidence other than their own statement. Staff will await with great curiosity a written statement stamped by the project traffic engineer that asserts that traffic operations and safety of the surrounding public streets will be better served by requiring semi-trailer trucks to slow down and make a sweeping turn off of a minor arterial into a relatively narrow driveway which has 6-foot deep ditch on both sides of it than would be the case by taking direct access of an improved industrial street of lower classification.

The applicant's request that they not be required to provide a public street turnaround at NE 65th Street cannot be supported because:

- The applicant statement that the project does not propose NE 65th Street to serve the site is not what is illustrated on the preliminary site plan. A fire access is shown at the terminus of NE 65th Street where it enters the site.
- NE 65th Street was advanced to the site boundary with the clear intention that it would be extended by future development of this site.
- There is no code provision which prohibits the connection of arterials by local access roads. Likewise, there is no code provision which prohibits industrial traffic on residential roads. However, in both cases the county does not encourage such connections. This is the reason why a turnaround has been suggested for this location. The county is willing to accommodate an emergency fire access within the barrier design of the turnaround if this is helpful to the applicant.

Proportionality of project costs to the impact created by the project:

The applicant argues that complying with the county road standards results in construction costs which are grossly disproportionate to the project impacts. Staff finds that this is not the case.

The applicant has submitted cost estimates for two alternative road configurations. The first, shown as Exhibit A of the Road Modification Application, estimates the total cost to furnish a road from NE Minnehaha which includes improvements on the land to the north of the site. As discussed above, the applicant is not required to provide these improvements and this alternative will be dismissed without further comment.

Exhibit B of the Road Modification Application estimates the cost to provide the extension of NE 40th Avenue across only the site as \$115,258. However, this estimate includes costs which the applicant will bear whether or not a public road is extended. The applicant is required to provide stormwater management facilities for impervious surfaces created by the project, regardless of whether they are located in

public right of way or within the site itself. The only way the requirement to extend NE 40th Avenue will result in increased costs to provide stormwater management is if the proposed extension requires impervious surfaces that would not otherwise have been needed. This is not the case. If NE 40th Avenue is extended through the site, both of the long driveways to NE Minnehaha will be eliminated.

The paved area of the two driveways will be comparable to the paved area of the new road. Therefore, total impervious surface the applicant is required to manage with the extension of NE 40th Avenue is essentially the same and the extension does not result in stormwater management costs they would not otherwise face.

The same argument holds for the roadway surfacing and earthen embankment beneath it. The thickness of asphalt and base rock required for the public road may be somewhat thicker than would be used for the on-site paved areas, but not dramatically so. Both the public street and on-site pavements will need to be substantial enough to support the heavy trucks that will use them. So, the construction costs that will be required for the extension of the public street that would not otherwise be required are reduced to curb, sidewalks and street lights.

The total of these items is \$25,905, using the applicant's estimated costs. Even if the figure were twice this amount, it would be a very small percentage of the overall construction costs of the project and is in no way disproportionate to the impacts created by the project, let alone *grossly disproportionate*, which is the relevant criterion by which the requested road modifications are to be evaluated.

c. *Staff Recommendations –*

- Based on the findings and the provisions of the Transportation Standards, staff recommends the requests to waive the requirement to provide public street extension, to directly access NE Minnehaha, and to eliminate a turnaround at the end of NE 65th Street be **denied** since the criteria as described in Section CCC 40.550.010(A)(1) have not been met.

Conclusion:

The application submitted does not comply with the circulation requirements of CCC 40.350.030(B)(2). The preliminary site plan submitted with the application does not meet the criteria for block length or perimeter length described in this code section. The applicant is fully aware of these requirements, as a result of ongoing meetings and correspondence since the time of the pre-application conference on June 19, 2004. Surrounding industrial developments in this area are providing industrial roads which extend to the boundary of this project in order to provide a safe and efficient transportation network to serve this developing industrial area.

The preliminary site plan makes no provision for the extension of these industrial roads through the subject site and will not be approved in its present configuration. Because this has such a tremendous impact on the site configuration and the feasibility of the project, none of the other project issues have been reviewed.

Recommendation: Denial

STORMWATER:

Finding 22 Applicability

The Stormwater and Erosion Control Ordinance (CCC 40.380), adopted July 28, 2000, applies to development activities that result in 2,000 square feet or more of new impervious surface within the urban area, and all land disturbing activities, except those exempted in Section 40.380.030(A).

This project will create more than 2,000 square feet of new impervious surface (the proposed development will create pavement and sidewalk that has been estimated to exceed 2.6 acres), and it is a land disturbing activity not exempted in Section 40.380.030(A). Therefore, this development shall comply with the Stormwater and Erosion Control Ordinance.

The erosion control ordinance is intended to minimize the potential for erosion and a plan is required for all projects meeting the applicability criteria listed in 40.380.020. This project is subject to the erosion control ordinance.

Finding 23 Stormwater Proposal

See Road Modification recommendation

Finding 21 Site Conditions and Stormwater Issues

See Road Modification Recommendation

Finding 22 Geotechnical Study

See Road Modification Recommendation

Finding 23 Erosion Control

See Road Modification Recommendation

FIRE PROTECTION:

Finding 24 Fire Marshal Review

This application was reviewed by Tom Scott in the Fire Marshal's Office. Tom can be reached at (360) 397-2375 x4095 or 3323. Information can be faxed to Tom at (360) 759-6063. Where there are difficulties in meeting these conditions or if additional information is required, contact Tom in the Fire Marshal's office immediately.

Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process. (see Condition B-3)

Finding 25 Fire Flow

Fire flow in the amount of 2,250 gallons per minute supplied at 20 psi for two hours duration is required for this application. This fire flow requirement is based on a 11,550 square foot, Type II N constructed building. Information from the water purveyor indicates that the required fire flow is available at the site.

Water mains supplying fire flow and fire hydrants shall be installed, approved, and operational prior to the commencement of combustible building construction. (see Condition B-4)

Finding 26 Fire Hydrants

Fire hydrants are required to be provided such that the maximum spacing between hydrants does not exceed 300 feet and such that no portion of the building exterior is in excess of 300 feet from a fire hydrant, as measured along approved fire apparatus access roads. Also, buildings provided with automatic fire sprinkler systems shall be provided with a minimum of two fire hydrants. One fire hydrant shall be within 100 feet of approved fire department connections to the sprinkler systems.

Fire Marshal staff indicates that the indicated number and spacing of fire hydrants is not adequate.

The local fire district chief approves the exact locations of fire hydrants. As a condition of approval, contact the Vancouver Fire Department at (360) 363-8166. (see Conditions A-15 & B-4)

Finding 27 Fire Access

Fire apparatus access is required for this application. Access roads are required to maintain an unobstructed width of not less than 20 feet, an unobstructed vertical clearance of not less than 13.5 feet, with an all-weather driving surface, and capable of supporting the imposed loads of fire apparatus. Access must be provided to within 150 feet of all exterior points of a building.

Fire Marshal staff indicates that, due to the location of proposed trash enclosures, the site plan does not adequately provide required fire apparatus access to the north side of the north row of buildings. (see Condition A-16)

Finding 28 Fire Alarm Systems

An approved fire alarm system is required at the time of construction of the proposed buildings. Such systems require separate reviews, permits, and approvals issued by the Fire Marshal's office. (see Condition C-4)

IMPACT FEES:

Finding 29 Traffic Impact Fees

The proposed development will have an impact on traffic in the area, and is subject to Traffic Impact Fees (TIF) in accordance with CCC 40.610 & 40.620. The site is located within the Orchards TIF Subarea with a fee rate of \$165 per new trip.

The adjusted trip rate for warehouses is 4.96 trips per thousand square feet gross floor area. The TIF amount for one single-family dwelling will be deducted as credit for the existing residence being removed. TIF is calculated as follows, where:

F = Fee rate

T = adjusted daily trips

A = adjustment (15% reduction) for future tax revenues

$$\text{TIF} = F \times T \times A$$

$$\text{TIF} = \$165 \times (74.55 \times 4.96) \times 0.85$$

$$\text{TIF} = \$51,859.96 \text{ (74,550 sq ft warehouse)}$$

$$\text{TIF} = \$165 \times (-1 \times 9.57) \times 0.85$$

$$\text{TIF} = \$-1,342.19 \text{ (-1 single-family dwelling)}$$

$$\text{TIF} = \$50,517.77 \text{ (Total payable)}$$

TIF is payable prior to issuance of building permits. (see Condition B-5)

SEPA DETERMINATION and DECISION

The likely SEPA determination of Non-Significance (DNS) in the Notice of Development Review Application issued on July 26, 2004 is hereby final.

Based upon the proposed plan (Identified as Exhibit 1) and the findings and conclusions stated above, the Development Services manager hereby **DENIES** this request. (The conditions provided below apply to the land use sections of the review and should be useful in revising the applicant's proposal. The conditions do not constitute a tacit approval of this application.)

Land Use Conditions

A. Conditions that must be met prior to Final Site Plan approval.

- A-1** Prior to final site plan approval the applicant shall remove all materials currently being stored and stockpiled on the site in violation of zoning and site plan requirements. (see Finding 1)
- A-2** The following note shall be placed on the face of the final site plan:
"Uses and activities on this site shall comply on an on-going basis with the performance standards in CCC 40.230.080(D) regarding noise, venting, odors, light, glare, outdoor storage, vibration, and electromagnetic interference." (see Finding 3)
- A-3** The applicant shall provide documentation from the Bonneville Power Administration (BPA) verifying that the BPA has reviewed and approved the applicant's proposal to store materials within the BPA easement area. The approval shall include the required landscaping and screening materials, and the

documentation shall include any limitations imposed by the BPA on the proposed storage area(s). (see Finding 4)

- A-4** The site plan shall be amended to provide paved circulation routes throughout the storage area for trucks and loading equipment; or the applicant shall provide a dust abatement/mitigation plan that will, to the Planning Director's satisfaction, ensure that activities and use of the gravel storage area will not result in negative impacts to air quality, neighboring properties, and public rights-of-way. (see Finding 4)
- A-5** The site plan and landscape plan shall be amended to delineate the perimeter of the proposed open air storage area(s). Access locations shall be indicated. The proposed storage area(s) shall be fully enclosed by a 6-foot high, fully-sight-obscuring screening wall (fencing is not adequate) and landscape plantings meeting the L4 standard, in accordance with CCC 40.320.010(B)(4). One canopy tree and four high shrubs per 30 lineal feet of wall shall be provided, with the remainder of the landscape buffer in live ground cover. The screening wall shall be set back from side and rear property boundaries a minimum of five feet, and from the front property boundary a minimum of ten feet, to accommodate required landscape buffers. (see Finding 4)
- A-6** The landscape plan and site plan shall be amended to provide a six-foot high sight-obscuring wall (fencing is not adequate) along the north 150 feet of the west property boundary, with one canopy tree and four high shrubs per 30 lineal feet of wall. This buffer and screen shall extend from the northwest property corner to the south side of NE 65th Street (the extent of the R1-6 zone). Also, the landscape buffer shall be a minimum 40 feet deep throughout its length, and the parking/circulation area shall be modified accordingly. (see Finding 5)
- A-7** The landscape plan shall be amended to provide one canopy tree per 30 lineal feet of landscape buffer (in addition to live ground cover) along the north and east property boundaries, as well as along the portion of the west property boundary abutting ML zoning, in accordance with CCC 40.320.010(B)(1). (see Finding 5)
- A-8** The landscape plan shall be amended to locate the proposed trees (Emerald Isle) within the 10-foot buffer area rather than inside the proposed fencing for the L2 landscape buffer along the south property boundary. It shall be further amended to indicate that the proposed shrubs (*Photinia Fraseri*) shall be planted at a maximum spacing of ten feet, in order to meet the L2 standard, in accordance with CCC 40.320.010(B)(2). (see Finding 5)
- A-9** The landscape plan shall be amended to provide a minimum of one landscape island for every seven parking spaces, evenly distributed throughout the parking areas, in accordance with CCC 40.320.010(E). (see Finding 5)
- A-10** The site plan shall be amended to provide a minimum of five ADA accessible parking spaces (including one van accessible space). The accessible parking spaces shall be distributed evenly throughout the development, and shall be located as close as practicable to the main building entrances. The site plan

shall be further amended to provide an accessible route of travel connecting all accessible parking spaces and all building entrances, in accordance with ADA standards and requirements. (see Finding 6)

- A-11** The site plan shall be amended to remove the parking spaces and label designating "Possible future additional parking." (see Finding 6)
- A-12** The site plan shall be amended to provide truck loading berths for each of the seven proposed buildings, in accordance with CCC 40.340.010(D). (see Finding 7)
- A-13** The site plan shall be amended to provide pedestrian circulation routes (sidewalks) connecting between all buildings on site, connecting parking areas to building entrances, and extending from building entrances to the public sidewalks on abutting streets, in accordance with CCC 40.340.020(A(3) and 40.350.010(B). (see Finding 8)
- A-14** The applicant shall reimburse the county for the cost of concurrency modeling incurred in determining the impact of the proposed development, in an amount not to exceed \$1,500. The reimbursement shall be made within 90 days of issuance of the Staff Report with evidence of payment presented to staff at Clark County Public Works. (see Finding 11)
- A-15** The applicant shall obtain approval of fire hydrant locations from the Vancouver Fire department. Existing and proposed fire hydrant locations shall be clearly indicated on the final site plan. (see Finding 26)
- A-16** The site plan shall be amended to provide fire apparatus access to within 150 feet of all portions of the northern row of buildings. (see Finding 27)

B. Conditions that must be met prior to issuance of Building Permits

- B-1** Prior to demolition of any existing structures on the site, the applicant shall obtain approval of a demolition permit from the Clark County Building Department. The applicant shall comply with all applicable asbestos inspection and control regulations in accordance with the procedures of the Southwest Clean Air Agency. Demolition waste shall be properly disposed in accordance with requirements of the Health Department. (see Finding 1)
- B-2** Prior to issuance of any building or grading permits for the development site, the applicant shall obtain written approval from Clark County Department of Public Works of the applicant's Traffic Control Plan (TCP). The TCP shall govern all work within or impacting the public transportation system.

The applicant shall maintain all existing signs within the public right of way within the limits of the development's construction until the public roads have been accepted by the county. The developer shall install and maintain temporary signs where the development's signing and striping plan shows new or modified warning or regulatory signs. New or modified temporary signing shall be installed

when any connection is made to the public road network. The developer shall remove the temporary signs immediately after the county installs the permanent signing and striping. (see Finding 14)

B-3 Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process. (see Finding 24)

B-4 Water mains supplying fire flow and fire hydrants shall be installed, approved, and operational prior to the commencement of combustible building construction. The applicant shall obtain approval of hydrant location(s) from the Vancouver Fire Department (360/696-8166).

Fire hydrants shall be provided with appropriate "storz" adapters for the pumper connection. A six-foot clear space shall be maintained completely around every fire hydrant. (see Finding 26)

B-5 Prior to issuance of building permits, the applicant shall pay to the Clark County Building Department, Traffic Impact Fees (TIF) in the amount of \$50,517.77. For a building permit application occurring more than three (3) years after the date of this site plan approval, the TIF shall be recalculated at the then-current fee rate. (see Finding 29)

C. Conditions that must be met <u>prior to issuance of Occupancy Permits</u>

C-1 Prior to occupying any of the buildings on this site plan, each new tenant shall apply to the Clark County Building Department for a tenant improvement permit and shall obtain a certificate of occupancy. Only warehouse type uses shall be permitted. Warehouse uses are primarily devoted to the storage of materials; They may also include office and maintenance areas. Manufacturing and more intensive light industrial uses shall be subject to additional review and approval. (see Finding 2)

C-2 Prior to issuance of a certificate of occupancy, the applicant shall install landscaping in accordance with the final approved landscape plan. (see Finding 5)

C-3 Prior to issuance of a certificate of occupancy, the applicant shall construct and install the street and stormwater improvements in accordance with the approved final engineering plans. Sidewalks, driveways, and parking shall comply with ADA standards.

C-4 An approved fire alarm system shall be installed in the buildings. Such systems require separate reviews, permits, and approvals issued by the Fire Marshal's office. (see Finding 28)

D. Standard Conditions

This development proposal shall conform to all applicable sections of the Clark County Code. The following conditions shall also apply:

Site Plan Approval:

- D-1** Within 5 years of preliminary plan approval, a Fully Complete application for a building permit shall be submitted.

Landscaping:

- D-2** Prior to issuance of an approved occupancy for this building, the applicant shall submit a copy of the approved landscape plan with a letter signed and stamped by a landscape architect licensed in the state of Washington certifying that the landscape and irrigation have been installed in accordance with the approved final landscape plan, and verifying that any plant substitutions are comparable to the approved plantings and suitable for the site.

Transportation:

- D-3** Prior to construction, the applicant shall submit and obtain county approval of a final transportation design in conformance to CCC 40.350.

Stormwater:

- D-4** Prior to construction, the applicant shall submit and obtain county approval of a final stormwater plan designed in conformance to CCC 40.380.

Pre-Construction Conference:

- D-5** Prior to construction or issuance of any grading or building permits, a pre-construction conference shall be held with the County.

Erosion Control:

- D-6** Prior to construction, the applicant shall submit and obtain County approval of a final erosion control plan designed in accordance with CCC 40.380.
- D-7** Prior to construction, erosion/sediment controls shall be in place. Sediment control facilities shall be installed that will prevent any silt from entering infiltration systems. Sediment controls shall be in place during construction and until all disturbed areas are stabilized and any erosion potential no longer exists.
- D-8** Erosion control facilities shall not be removed without County approval.

Excavation and Grading:

D-9 Excavation/grading shall be performed in compliance with Appendix Chapter 33 of the Uniform Building Code (UBC).

D-10 Site excavation/grading shall be accomplished, and drainage facilities shall be provided, in order to ensure that building foundations and footing elevations can comply with CCC 14.04.252.

Note: The Development Services Manager reserves the right to provide additional comment and findings of fact regarding this decision, if appealed.

An **appeal** of any aspect of this decision, including the SEPA determination and any required mitigation measures, may be appealed to the County Hearing Examiner only by a party of record. A "Party of Record" includes the applicant and those individuals who submitted written testimony to the Development Service Manager within the designated comment period.

The appeal shall be filed with the Department of Community Development within fourteen (14) calendar days from the date the notice of final land use decision is mailed to parties of record. This decision was mailed on October 4, 2004. Therefore any appeal must be received in this office by 4:30 PM, October 18, 2004.

APPEAL FILING DEADLINE

Date: October 18, 2004

Any appeal of the final land use decisions shall be in writing and contain the following:

1. The case number designated by the County and the name of the applicant;
2. The name and signature of each person or group (petitioners) and a statement showing that each petitioner is entitled to file an appeal as described under Section 40.510.030(H) of the Clark County Code. If multiple parties file a single petition for review, the petition shall designate one party as the contact representative with the Development Services Manager. All contact with the Development Services Manager regarding the petition, including notice, shall be with this contact person;
3. The specific aspect(s) of the decision and/or SEPA issue being appealed, the reasons why each aspect is in error as a matter of fact or law, and the evidence relied, on to prove the error; and,
4. A check in the amount of **\$1070** (made payable to the Department of Community Development).

The appeal request and fee shall be submitted to the Department of Community Development, Customer Service Center, between 8:00 AM and 4:30PM Monday through Friday, at the address listed below.

Attachments:

- Copy of Proposed Preliminary Plan

A copy of the approved preliminary plan, SEPA Checklist and Clark County Code are available for review at:

**Public Service Center
Department of Community Development
1300 Franklin Street
P.O. Box 9810
Vancouver, WA. 98666-9810
Phone: (360) 397-2375; Fax: (360) 397-2011**

A copy of the Clark County Code is also available on our Web Page at:
Web Page at: <http://www.clark.wa.gov>